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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/067,442

02/04/2002

Todd M. Lynton

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EXAMINER

FISHER, MICHAEL J

ART UNIT

PAPER NUMBER

3689

MAIL DATE

DELIVERY MODE

03/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TODD M. LYNTON

Application No. 10/067,442
Technology Center 3600

Mailed: March 6, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal*.
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 3, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on December 10, 2008. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and § 1208, part II, of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007).

INFORMATION DISCLOSURE STATEMENT

Appellant filed an Information Disclosure Statement (IDS) dated December 6, 2004. While it is apparent that the examiner considered the foreign Patent Document and one of the "Other Documents," there is no indication on the record that the Examiner has considered the document entitled "National Bike Registry Teams Up With Kryptonite to Reduce Bike Theft." Correction is required.

CONCLUSION

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to consider the Reply Brief filed December 10, 2008 as indicated above;
- 2) to consider the article entitled "National Bike Registry Teams Up With Kryptonite to Reduce Bike Theft" appearing on the IDS filed December 6, 2004; and
- 3) for such further action as may be appropriate.

Application No. 10/067,442

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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